

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2011-0070-DNA

CASEFILE/PROJECT NUMBER: 0504375

PROJECT NAME: Grazing Permit Issuance - Blacks Gulch allotment 06612

LEGAL DESCRIPTION:

Legal Description						
Allotment		BLM Acres	Private Acres	Twp.	Range	Section(s)/Lots or Portions Of
Name	No.					
Blacks Gulch	06612	24,746	3,939	3N	96W	23-27, 31-36
				3N	95W	19, 29-33
				2N	97W	1, 12
				2N	96W	1-36
				2N	95W	6, 7, 18, 19
				1N	96W	2-5, 8-10

APPLICANT: LK Ranch Livestock LLC (LK Ranch)

ISSUES AND CONCERNS: None.

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a livestock grazing permit to LK Ranch authorizing them to graze livestock on the Blacks Gulch allotment #06612 based on their application dated January 13, 2011. The grazing preference was transferred to this operator in February 2011 (see DOI-BLM-CO-110-2011-052-CX). A map of the Blacks Gulch allotment is attached as Figure 1. This permit is being issued with the same grazing schedules and terms and conditions as the permit previously authorized for this allotment and will be in effect for the remainder of the ten year term analyzed in environmental assessment document DOI-BLM-CO-110-07-030-EA. This grazing permit and associated grazing schedules are outlined in Tables 1, 2, and 3 below. The terms and conditions can be found in the EA listed above. After this first grazing season, it is likely that LK Ranch will submit a proposed action for a revised grazing permit and grazing schedules. When that request is received, the proposed action will be analyzed through NEPA but until that happens, this current permit will remain in place.

Table 1

Blacks Gulch Grazing Permit										
Allotment		Livestock		Date		BLM/Private AUMs (100%)	% Public land	BLM (Active / permitted) AUMs	Sus- pended AUMs	Private AUMs (21%)
Name	No.	#	K	On	Off					
Blacks Gulch	06612	425	C	04/25	10/10	2361	79%	1865	0	496
Acres/AUM:						12.2		13.3		7.9

Livestock management will follow the grazing schedules (tables below) and related terms and conditions as outlined below.

Table 2

Even Year Grazing Schedule for the Blacks Gulch Allotment #06612								
Pasture Name	Livestock		Date		BLM/Private AUMs (100%) Scheduled	% Public land	BLM AUMs Scheduled	Private AUMs Scheduled
	#	K	On	Off				
Blacks Gulch	325	C	04/25	06/05	449	93%	417	32
Homestead	100	C	05/01	05/18	59	27%	16	43
Wray Gulch	100	C	05/19	06/30	141	55%	78	63
Middle	325	C	06/06	07/10	374	97%	363	11
Middle	100	C	07/01	07/10	33	97%	32	1
Scenery Gulch	325	C	07/11	08/22	459	75%	345	114
Tschuddi Gulch	325	C	08/23	10/01	427	58%	248	179
Oil Well Gulch	100	C	07/11	10/01	273	90%	246	27
Totals:					2215		1745	470

Table 3

Odd Year Grazing Schedule for the Blacks Gulch Allotment #06612								
Pasture Name	Livestock		Date		BLM/Private AUMs (100%) Scheduled	% Public land	BLM AUMs Scheduled	Private AUMs Scheduled
	#	K	On	Off				
Homestead	425	C	05/25	05/28	56	27%	15	41
Wray Gulch	425	C	05/29	06/07	140	55%	77	63
Blacks Gulch	425	C	06/08	07/01	335	93%	312	23
Middle	425	C	07/02	07/20	265	97%	258	7
Oil Well Gulch	425	C	07/21	08/09	279	90%	252	27
Tschuddi Gulch	425	C	08/10	09/10	447	58%	259	188
Scenery Gulch	425	C	09/11	10/10	419	75%	314	105
Totals:					1941		1487	454

Grazing Permit Terms and Conditions:

The following terms and conditions as required by 43 CFR 4130.3 would be included in the grazing permit issued under this alternative:

1. The percent public land and scheduled use listed in this permit and grazing schedules gives credit for uncontrolled unfenced private property within the Homestead, Wray Gulch, and Oil Well pastures. If any of these areas become unavailable for livestock grazing, the percent public land and scheduled use in the affected pasture(s) will be adjusted accordingly to maintain grazing within appropriate levels.
2. The permittee or lessee must provide reasonable administrative access across private and leased lands to the BLM for the orderly management and protection of the public lands, as outlined 43 CFR 4130.3-2(h).
3. It is unlawful for the permittee, agents or employees to knowingly disturb or collect cultural, historical or paleontological materials on public lands. If cultural, historical or paleontological materials are found, including human remains, funerary items or objects of cultural patrimony, the permittee is to stop activities that might disturb such materials, and notify the authorized officer immediately.
4. This grazing permit/lease is subject to the provisions of executive Order NO. 11246 of September 24, 1964, as amended, which sets forth nondiscrimination clauses. A copy of this order may be obtained from the authorized officer.
5. The authorized officer may require counting and/or additional/special marking or tagging of the livestock authorized to graze under this grazing permit/lease.
6. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within a 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision in accordance with 43 CFR 4130.3-2(c).
7. In accordance with 43 CFR 4130.8-1(f): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1(b) (i) and shall result in action by the authorized officer under 43 CFR Sec. 4150.
8. As outlined in the 1997 White River Record of Decision and Approved Resource Management Plan (ROD/RMP), utilization rates of key forage plant species by livestock, as determined by the BLM (i.e., Western wheatgrass, needle and thread grass, Letterman needlegrass), will be limited to: 1) 40 percent averaged utilization for the grazing period from April 1 to June 15 each grazing year for key forage plants, 2) 40-60 percent averaged utilization on key forage plants for the grazing period from June 16 through

September 14 each grazing year, 3) 60 percent averaged utilization of key forage plants for the grazing period September 15 to March 31 each grazing year.

9. Livestock grazing on the Blacks Gulch allotment will be managed to achieve the Standards for Public Land Health in Colorado.
10. Maintenance of all structural rangeland improvements (RI) and other projects are the responsibility of the permittee to which they have been assigned. Maintenance will be in accordance with cooperative agreements and/or range improvement permits (43 CFR 4120.3-1). Failure to maintain assigned projects in a satisfactory/functional condition may result in withholding authorization to graze livestock until maintenance is completed. Construction of new RI on BLM administered lands is prohibited without approval from the authorized officer.
11. The permittee shall submit an Actual Use form within 15 days after completing their annual grazing use as outlined in 43 CFR 4130.3-2(d).
12. Livestock use will occur as outlined in the Allotment Management Plan portion of the Environmental Assessment document CO-110-2007-30-EA that analyzes grazing on the Blacks Gulch Allotment.

LAND USE PLAN (LUP) CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

__X__ The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Number/Page: Page 2-23

“With minor exceptions, livestock grazing will be managed as described in the 1981 Rangeland Program Summary, Record of Decision for the 1981 White River Resource Area Grazing Management Final Environmental Impact Statement.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the proposed action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: White River Resource Area Grazing Management Environmental Impact Statement (Grazing EIS).

Date Approved: April 1981

List by name and date any other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Name of Document: Grazing Permit Renewal for Authorization #0500089 on the Blacks Gulch allotment #06612 (DOI-BLM-CO-110-2007-0030-EA.)

Date Approved: October 1, 2007

NEPA ADEQUACY CRITERIA:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes the proposed action is to reissue a permit to graze livestock under the same schedules and terms and conditions and in the same allotment as analyzed in the 2007 environmental assessment document listed above.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Two alternatives (continuation of current management and no grazing) to the proposed action were analyzed in DOI-BLM-CO-110-2007-0030-EA. No reasons were identified to analyze additional alternatives to the proposed action and these alternatives are considered to be adequate and valid for the proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes, the existing analysis remains valid and is absent of any new information or circumstances that would change the analysis of the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes, the direct and indirect impacts remain unchanged from those identified and analyzed in the White River ROD/RMP and the White River Grazing EIS and in the site specific analysis in DOI-BLM-CO-110-2007-0030-EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Yes, public involvement conducted for the White River ROD/RMP, the White River Grazing EIS, and DOI-BLM-CO-110-2007-0030-EA is adequate for issuance of this grazing permit.

INTERDISCIPLINARY REVIEW: A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: As this is only a reissuance of an existing current permit which was analyzed in environmental assessment CO-110-030-2007 EA, the proposed action will have no affect on cultural resources. (KB 03/10/11)

Native American Religious Concerns: No known concerns. (KB 03/10/11)

Special Status Wildlife Species: All wildlife concerns were adequately addressed in the original environmental assessment (CO-110-030-2007 EA). There are no additional wildlife- related issues or concerns associated with the reissuance of this permit. (LRB 03/10/11)

Special Status Plant Species: The proposed action is the same as previously analyzed and would have no influence on special status plant species or associated habitats. (MT 03/10/11)

MITIGATION: Permittee will contact BLM prior to maintaining range improvement projects.

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff throughout the life of this permit as addressed in DOI-BLM-CO-110-2007-0030-EA. Specific mitigation developed in this document will be followed.

NAME OF PREPARER: Mary Taylor, Rangeland Management Specialist

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 3/11/11

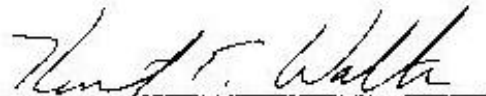
ATTACHMENTS: Figure 1 – Blacks Gulch Allotment 06612 Map

CONCLUSION

DOI-BLM-CO-110-2011-0070-DNA

Based on the review documented above, I conclude that this proposal in consort with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:


Field Manager

DATE SIGNED:

03/11/11

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Figure 1.

Blacks Gulch Allotment 06612

